

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

556M0502

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 156** - 02/13/2006

Introduced by: Senators Hansen (Tom), Adelstein, Bogue, Duniphan, Knudson, Koetzle, Kooistra, Lintz, McCracken, Moore, Olson (Ed), and Schoenbeck and Representatives Hennies, Boomgarden, Bradford, Brunner, Buckingham, Cutler, Davis, Deadrick, Dennert, Dykstra, Elliott, Faehn, Frost, Fryslie, Garnos, Gassman, Gillespie, Glenski, Hackl, Haley, Halverson, Hanks, Hargens, Haverly, Heineman, Hills, Howie, Hunhoff, Jensen, Jerke, Klaudt, Kraus, Krebs, Kroger, Lange, McCoy, McLaughlin, Michels, Murschel, Novstrup, Pederson (Gordon), Peters, Putnam, Rausch, Rave, Rhoden, Rounds, Schafer, Sebert, Sigdestad, Street, Tidemann, Turbiville, Van Etten, Vehle, Weems, Wick, and Willadsen

1 FOR AN ACT ENTITLED, An Act to prohibit the picketing of funerals under certain
2 circumstances, to provide penalties for the violation thereof, and to declare an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. No person may engage in any act of picketing at any funeral service during the
5 period from one hour before the scheduled commencement of the funeral services until one hour
6 after the actual completion of the funeral services.

7 Any violation of this section is a Class 2 misdemeanor. Each day on which a person violates
8 this section constitutes a separate offense.

9 Section 2. Notwithstanding the criminal penalties provided in section 1 of this Act, the
10 circuit court may enjoin conduct proscribed by section 1 of this Act and may in any such
11 proceeding award damages, including attorney fees, or other appropriate relief against any



1 person who is repeatedly found guilty under this Act.

2 Section 3. For the purpose of this Act, the term, picketing, means protest activities engaged
3 in by any person stationed within one thousand feet of a funeral service within one hour prior
4 to, during, and one hour following the commencement of any funeral service.

5 Section 4. For the purposes of this Act, funeral services are any ceremony, procession, or
6 memorial held in connection with the burial or cremation of a deceased person.

7 Section 5. Whereas, this Act is necessary for the immediate preservation of the public peace,
8 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and
9 effect from and after its passage and approval.